

REMARKS

The Office rejected the original claims as obvious over Taguwa (US 2003/0170942) in combination with Lim (US 2005/0009281). Applicants traverse the rejection in view of evidence proving Applicants' conception and reduction to practice prior to the dates on which the Taguwa and Lim references qualify as prior art to the claimed invention.

The present application is a national stage application of International Application PCT/JP04/02488 having a filing date of March 1, 2004. Therefore, the effective U.S. filing date of the present application is March 1, 2004.

Taguwa has a publication date of September 11, 2003 and a filing date of November 22, 2002. Without comment regarding the content of the Taguwa publication, this publication may qualify as prior art under 35 U.S.C. § 102(a) and/or 102(e) to the presently claimed invention based only on dates of publication and filing. The Japanese application to which the Taguwa publication claims priority (JP 2001-364745) has a publication date of June 6, 2003 and thus may qualify as prior art only under 35 U.S.C. § 102(a).

Lim has a publication date that is after the U.S. effective filing date of the present application. Without comment regarding the content of the Lim publication and based only on the filing date (i.e., July 8, 2003) of the Lim publication, this reference may qualify as prior art to the present application only under 35 U.S.C. § 102(e).

Applicants submit herewith the Declaration of Masaru Saaki and Yoshiro Kabe under 37 C.F.R. § 1.131 to prove a date of invention of the presently claimed invention prior to the earliest dates on which the Taguwa and Lim publications qualify as prior art.

Applicants have thereby sworn behind the Lim and Taguwa references and disqualified such references as prior art to the present application.

Applicants respectfully request the Office withdraw the rejection and allow all now-pending claims.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'S. Weihrouch', written over a horizontal line.

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